

Amendment No. 2 to HB1532

**Todd
Signature of Sponsor**

AMEND Senate Bill No. 2533

House Bill No. 1532*

by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 38-8-116, is further amended by adding the following as a new subsection:

(g)

(1) If a retired law enforcement officer who has been certified to carry a firearm pursuant to this section is arrested and charged with a violation of § 55-10-401 and the officer has one (1) or more prior convictions for the same offense within the last ten (10) years, then the court first having jurisdiction over the officer with respect to the charge shall order the officer to surrender the certificate and send the certificate to the certifying agency with a copy of the court's order that required the surrender of the certificate, unless the officer petitions the court for a hearing on the surrender.

(2) If the officer does petition the court for a hearing, the court shall determine whether the officer will present a material risk of physical harm to the public if released and allowed to retain the certificate. If the court determines that the officer will present a material risk of physical harm to the public, it shall condition the release of the officer, whether on bond or otherwise, upon the officer's surrender of the certificate to the court. The certifying agency shall suspend the certificate pending a final disposition on the charge against the officer.

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(3) If the officer is not convicted of the charge or charges, the certificate shall be restored and returned to the officer and the temporary prohibition against the carrying of a firearm as a law enforcement officer shall be lifted.

(4) If the officer is convicted of the charge or charges, the certificate shall be revoked by the court and the revocation shall be noted in the judgment and minutes of the court. The court shall send the surrendered certificate to the issuing agency.